

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSIAH GALLOWAY,

Plaintiff,

-against-

NASSAU COUNTY, THE INCORPORATED VILLAGE OF HEMPSTEAD, Police Officer STEVEN HOROWITZ, Shield No. 144, Detective MATTHEW ROSS, Shield No. 834, Detective CHARLES DECARO, Shield No. 1047, Detective RONALD LIPSON, Shield No. 1296, Detective THOMAS D'LUGINSKI, Shield No. 7900, Detective GEORGE DARIENZO, Shield No. 1038, Detective KEVIN CUNNINGHAM, Shield No. 112, Detective Sergeant RICHARD DORSI, Detective RENE B. YAO, Detective CARL STRANGE, Shield No. 1225, JOHN and JANE DOE 1-20,

Defendants.

DECLARATION

19-cv-5026 (AMD) (ARL)

BRIAN S. SOKOLOFF, an attorney duly admitted to practice law in this judicial district, hereby affirms, under penalty of perjury, the following:

1. I am a member with the law firm of SOKOLOFF STERN LLP, attorneys for defendants THE COUNTY OF NASSAU, DET. MATTHEW ROSS, DET. CHARLES DECARO, DET. RONALD LIPSON, DET. THOMAS DLUGINSKI, DET. GEORGE DARIENZO, DET. SGT. RICHARD DORSI, DET. RENE YAO, and DET. CARL STRANGE (the “County Defendants”), in the above-captioned action.

2. I submit this declaration in connection with the County Defendants’ opposition to Plaintiff’s motion pursuant to Fed. R. Civ. P. 15(a)(2) for leave to file his Proposed Fourth Amended Complaint.

3. Annexed hereto are the exhibits submitted in support of the County Defendants’ opposition. Each exhibit is a true and complete copy of what it purports to be:

- a. Annexed hereto as Exhibit A is a copy of an Order, dated June 30, 2008, issued in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;
- b. Annexed hereto as Exhibit B is a copy of the transcript of pre-trial proceedings before the Honorable Philip Grella on November 5, 2008 in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;
- c. Annexed hereto as Exhibit C is a copy of the transcript of pre-trial proceedings before the Honorable Philip Grella on November 7, 2008 in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;
- d. Annexed hereto as Exhibit D is a copy of an excerpt of the transcript of the defense's opening statement, delivered on February 19, 2009, in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;
- e. Annexed hereto as Exhibit E is a copy of the transcript of defendant Det. Ronald Lipson's trial testimony, given on February 25, 2009, in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;
- f. Annexed hereto as Exhibit F is a copy of the transcript of defendant Det. Matthew Ross' trial testimony, given on February 26, 2009, in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;
- g. Annexed hereto as Exhibit G is a copy of the transcript of the defense's trial summation in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08;

- h. Annexed hereto as Exhibit H is a copy of “Defendant’s Post Trial-Motion” filed in the matter of *The People of the State of New York v. Josiah Galloway*, Indictment No. 1315N-08; and
- i. Annexed hereto as Exhibit I is a copy of an excerpt of the transcript of defendant Det. Matthew Ross’ deposition, taken November 16, 2020.

WHEREFORE, the County Defendants respectfully request this Court deny Plaintiff’s motion for leave to file the Proposed Fourth Amended Complaint, with such other relief as this Court may deem just, equitable, and proper.

Dated: Carle Place, New York
January 4, 2021

SOKOLOFF STERN LLP
Attorneys for County Defendants

By:



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